Government of Saskatchewan

Annual Report 2002 - 2003

Saskatchewan
Justice

Saskatchewan Police
Complaints Investigator

Table of Contents

Letters of Transmittal	1
Mission Statement	3
Governing Legislation	3
Organizational Structure	4
2002-03 Activities and Results	5
Statistical Data	6
Case Summaries	9
Budget Allocation	12

Letters of Transmittal

May 1, 2003

Her Honour
The Honourable Linda Haverstock
Lieutenant Governor of Saskatchewan
Government House
4607 Dewdney Avenue
Regina, Saskatchewan

Dear Madam:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Police Complaints Investigator Annual Report for the period of April 1, 2002 to March 31, 2003.

Eric Cline, Q.C.
Minister of Justice and Attorney General

May 1, 2003

The Honourable Eric Cline, Q.C.
Minister of Justice and Attorney General
Province of Saskatchewan
Legislative Building
Regina, Saskatchewan

Dear Sir:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Police Complaints Investigator Annual Report for the period of April 1, 2002 to March 31, 2003.

E.R. Gritzfeld, Q.C.
Complaints Investigator

Mission Statement

The Complaints Investigator is a non-police person appointed by the government to ensure that both the public and police receive a fair and thorough investigation of a complaint against the police.

One of the main functions of the police is the protection of the general public. Police Services realize that their officers must maintain a high degree of public support to effectively carry out their duties. It is recognized that occasions arise when a citizen feels he or she has not been treated fairly by a police officer and for that reason a Citizen Complaint Procedure was set out in *The Police Act, 1990*. It is in the best interest of the public and the police to have citizens' complaints resolved in order to maintain the spirit of co-operation that now exists.

Governing Legislation

Role of the Complaints Investigator

Civilian review of public complaints against the police began in the United States in the 1960's. Since then it has spread around the world and developed so that today, Canada is recognized as a leader in the public complaints field. On January 1, 1992, Saskatchewan brought in a new procedure for the handling of complaints against municipal police with the appointment of a Complaints Investigator. Pursuant to subsection 39(1) and (2) of *The Police Act, 1990*, the duties of the Investigator are as follows:

(a) record the complaint received;

(b) establish and maintain a record of all public complaints received by the police services and their dispositions;

(c) inform, advise and assist complainants;

(d) advise and assist the chiefs and boards, the hearing officer and the commission with respect to the handling of public complaints;

(e) monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest; and

(f) inspect annually, or at those times directed by the minister, the records, operations and systems of administration for the handling of public complaints by police services.

(2) In exercising the duties of the investigator pursuant to this section, the investigator:

(a) shall receive and obtain information respecting a public complaint from the complainant;

(b) may receive and obtain information respecting a public complaint from the member or chief who is the subject of the complaint, the chief or the board, in any manner that the investigator considers appropriate;

(c) may request access to any files or other material in the possession of the police service relevant to a public complaint; and

(d) may interview and take statements from the chief, board, complainant and the member or chief who is the subject of the public complaint.

Complaints Investigator

E.R. Gritzfeld, Q.C.

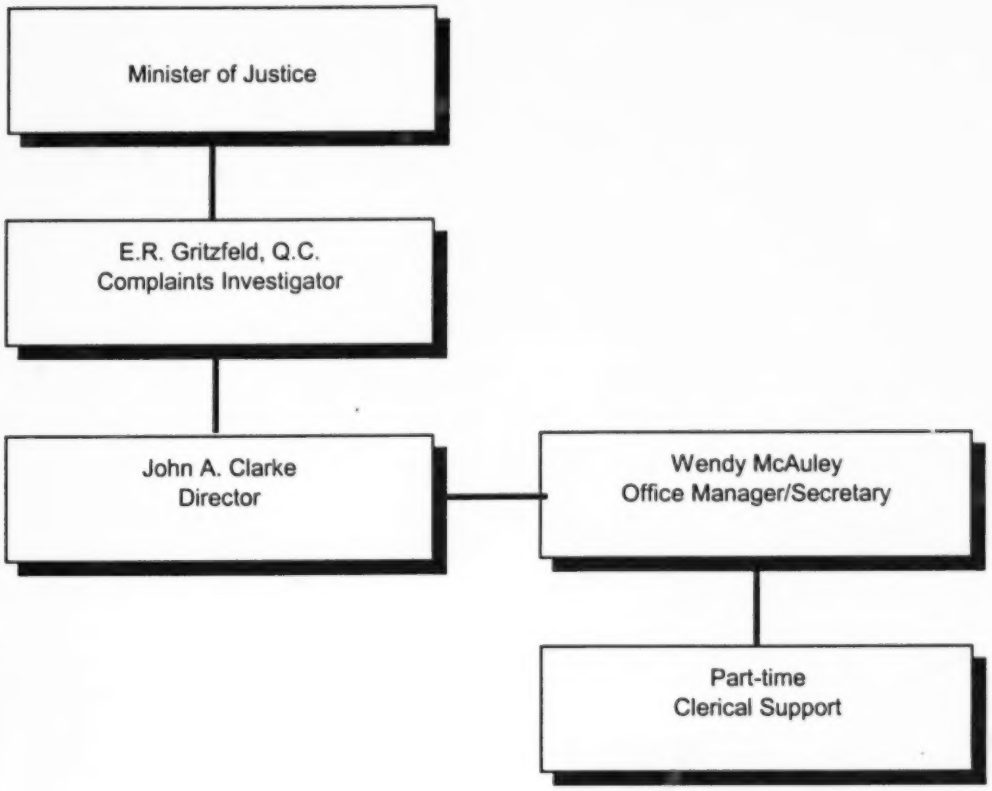
Administrative Staff/Accommodation

John A. Clarke - Director
Wendy McAuley - Office Manager/Secretary

Saskatchewan Police Complaints Investigator
3rd Floor - 1919 Saskatchewan Drive
Regina, Saskatchewan
S4P 3V7

Telephone: (306) 787-6519
Fax: (306) 787-6528

Organizational Structure



2002-03 Activities and Results

For the period April 1, 2002 to March 31, 2003, this office processed 130 complaints against municipal police officers in the province.

Noted below is the time frame involved to receive the complaint, investigate, review the matter and advise the complainants of the action taken with respect to their concern.

Time Frame	% of Complaint Files
0 - 30 days	5%
31 - 60 days	9%
61 - 90 days	6%
91 - 120 days	5%
121 - 150 days	4%
151 - 180 days	5%
Over 181 days	18%
Pending	48%

The following pages show the breakdown of complaints for each of the eleven Municipal Police Services and two Rural Municipality Police Services in the province.

Saskatchewan Police Complaints Investigator
April 1, 2002 to March 31, 2003

Files	Number of Complaint		Number of Complaint Files
Regina	60	Dalmeny	0
Saskatoon	49	File Hills Agency	0
Moose Jaw	6	Luseland	0
Prince Albert	8	Stoughton	0
Estevan	3	R.M. of Corman Park	1
Weyburn	2	R.M. of Vanscoy	0
Caronport	0	Other (U of S)	*1
Total Number of Files	**130**		

* One complaint investigated against University of Saskatchewan, Security Services

Findings of Complaints Received
April 1, 2002 to March 31, 2003

Police Service	Substantiated	Unsubstantiated	Unfounded	Withdrawn/ Other	Not Yet Completed	Total
Regina	4	1	14	3	39	61
Saskatoon	4	5	23	6	17	55
Moose Jaw	1	0	0	2	3	6
Prince Albert	2	0	1	3	2	8
Estevan	0	0	3	0	0	3
Weyburn	0	0	0	0	2	2
Caronport	0	0	0	0	0	0
Dalmeny	0	0	0	0	0	0
File Hills Agency	0	0	0	0	0	0
Luseland	0	0	0	0	0	0
Stoughton	0	0	0	0	0	0
R.M. Corman Park	1	0	0	0	0	1
R.M. Vanscoy	0	0	0	0	0	0
Other (U of S)	0	0	0	1	0	1
Total	**12**	**6**	**41**	**15**	**63**	***137**

*** While 130 complaints were filed - some had multiple complaints and findings**

Definition of Complaint Findings

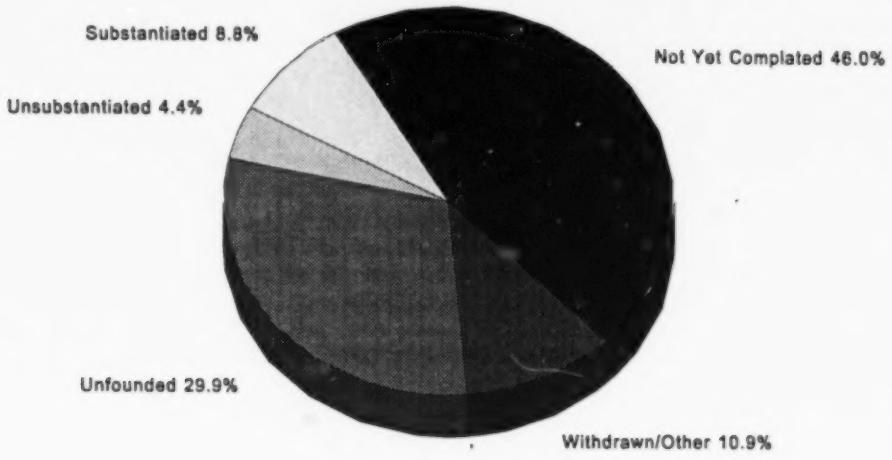
Substantiated - Supported by evidence
Unsubstantiated - Allegation cannot be proved or disproved
Unfounded - Unsupported by evidence

Classification of Substantiated / Unsubstantiated Complaints
April 1, 2002 to March 31, 2003

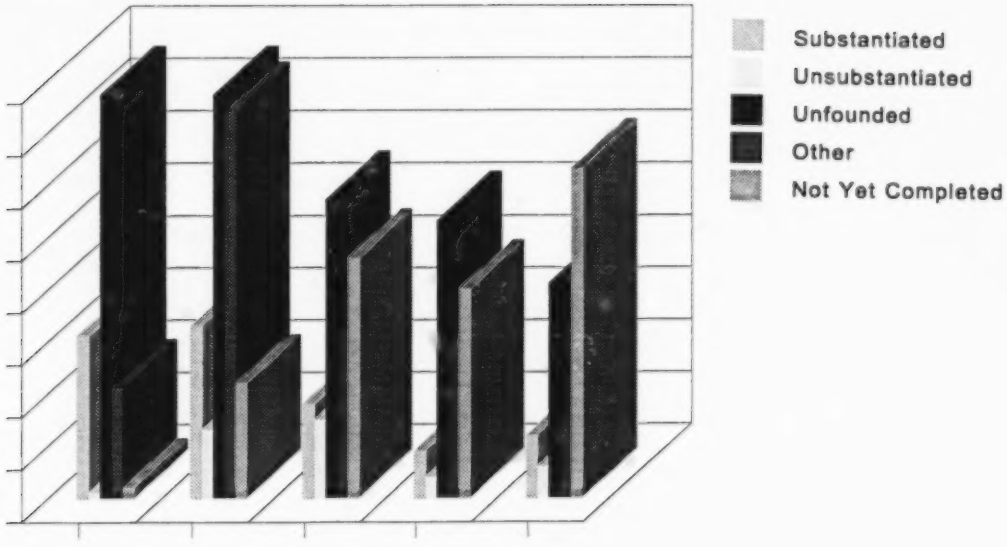
Police Service	Substantiated	Description	Unsubstantiated	Description
Regina	1 2 1	37Ai 37C 37B	1	37E
Saskatoon	2 2	37C 37E	1 3 1	36J 37E 37C
Prince Albert	2	37C		
Moose Jaw	1	37E		
Corman Park	1	37E		

36J	Criminal Conduct	37Ai	Discreditable Conduct
37B	Insubordination	37C	Neglect of Duty
37E	Abuse of Authority	Other	Other Offences

Complaint Findings
April 1, 2002 to March 31, 2003



Five-Year Comparative Statistics



Saskatchewan Police Complaints Investigator
Types of Complaints Received
April 1, 2002 to March 31, 2003

	Total	Regina	Saskatoo	Moose Jaw	P. Albert	Estevan	Weyburn	Caronpor	Dalmeny	Luselan	Stoughto	File Hills	Other	Corman Park	Vanscoy
COMPLAINTS RECEIVED	**137**	**61**	**55**	**6**	**8**	**3**	**2**	**0**	**0**	**0**	**0**	**0**	**1**	**1**	**0**
TYPE OF COMPLAINT:															
Discreditable Conduct	**4**	1	3	0	0	0	0	0	0	0	0	0	0	0	0
Neglect of Duty	**23**	8	11	0	2	2	0	0	0	0	0	0	0	0	0
Insubordination	**1**	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Disclosure of Information	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Corrupt Practice	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Abuse of Authority	**33**	7	19	2	3	1	0	0	0	0	0	0	0	1	0
Improper Use of Firearms	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Damage to Police Property	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Wearing of Uniform	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Misuse of Liquor/Drugs	**0**	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Conduct	**3**	1	2	0	0	0	0	0	0	0	0	0	0	0	0
Others	**10**	4	3	1	1	0	0	0	0	0	0	0	1	0	0
Not Yet Completed	**63**	39	17	3	2	0	2	0	0	0	0	0	0	0	0

Case Summaries

The following case summaries are a cross-section of the types of complaints received. The increased use of informal resolutions by the various police services is gratifying to note, particularly when complaints are based on a lack of communication, or a lack of understanding in terms of police procedures and their enforcement/investigational duties and responsibilities.

■ Mr. W was a pedestrian stuck by a motor vehicle. The accident took place during the early morning hours. Mr. W was run over by the front right tire of the vehicle and sustained minor injuries to his left leg and ankle. The driver of the vehicle was charged by the police for leaving the scene of an accident under *The Highway Traffic Act*. The parents of Mr. W felt that the driver should have faced a more serious charge, and were concerned that because their son admitted to drinking that night, the police did not thoroughly investigate the accident.

The circumstances involved a minor confrontation between the driver of a vehicle and three pedestrians. The driver of the vehicle, after initially passing the pedestrians, turned around and stopped the vehicle. Verbal insults were exchanged as the pedestrians gathered around and blocked the vehicle. The driver struck Mr. W as he moved his vehicle past the pedestrians to leave the area. There was controversy in that the driver of the vehicle claimed Mr. W slipped and fell in front of his vehicle and was accidentally struck. Mr. W claimed otherwise. The subsequent police investigation reviewed and considered more serious charges, however, it was determined the most appropriate charge was as noted.

The driver of the vehicle plead guilty to the charge of Fail to Report an Accident and was fined $40 plus a $25 surcharge by the court. The parents of Mr. W felt this was totally inappropriate and filed their public complaint following the court's decision. Interestingly enough, the driver of the vehicle felt the fine was excessive and filed a Notice of Appeal which was subsequently denied by Queen's Bench Court.

I concluded that in view of the circumstances that there was no evidence to support a lack of police service or that an improper charge was laid.

■ Ms. B was stopped for speeding. She provided her driver's license and vehicle registration. When the police officer returned to serve the ticket, Ms. B stated the officer asked some extremely personal questions concerning her weight and whether or not she had any tattoos or surgical scars. She refused to answer the questions. The police officer explained the information was required for "some form" he had to fill out. Ms. B was concerned as how this information would be used and who would have access to it.

The Deputy Chief of the Police Service involved, met with Ms. B and explained the reasons for requesting physical descriptors relevant to issuing Summary Offence Tickets. The Deputy Chief apologized for any misunderstanding and Ms. B was informed her concerns would be discussed with the police officer who issued the ticket. The police officer was advised that more care should be taken when asking questions that might seem intrusive.

Ms. B was satisfied with the actions taken as it was her intent to make the police administration aware of the incident. The matter was resolved informally.

Case Summaries

■ Ms. K was arrested on outstanding warrants. She maintained that prior to being placed in a cell she was searched and personal items, including some items of jewellery, were taken from her and placed on a counter. She was taken to a separate area to call her lawyer. Upon her return to the detention area she noted her property was no longer on the counter. Ms. K claimed she was not asked to sign any forms as she was being booked in. The following morning she was escorted to provincial court along with her property bag. Ms. K stated that when released from provincial court she signed for her property bag as having received it in good order. The property bag was still sealed; however, Ms. K did not actually check the contents of the bag until she returned home. Ms. K claimed three jewellery items were not returned to her.

A criminal investigation was conducted as Ms. K complained of theft. The investigation was reviewed by Saskatchewan Justice as is required by *The Police Act, 1990*. Their review determined there was insufficient evidence to justify a charge against any officer.

The investigation determined that there was a violation of the police service's procedural policy; in that the booking officer failed to have Ms. K sign the booking sheet to acknowledge what personal property had been taken for safe keeping.

The Chief of Police took internal action against the officer for failing to obtain a signature for the personal effects taken from Ms. K. I concluded that the action taken by the Chief pursuant to *The Municipal Police Discipline Regulations, 1991*, was appropriate.

■ Mr. B attended as a Crown witness for a trial against an individual who had been charged for a *Highway Traffic Act* offence. When the trial started the prosecutor had no paper work to deal with. Despite contacting the police service, the prosecutor was unsuccessful in having the documents delivered to the court on time. Mr. B stated the judge dismissed the charge after waiting for a considerable period of time. Mr. B felt this did not lend much credibility to the police service.

Mr. B's complaint contained several other issues that he had experienced when dealing with the police service, which he expressed in the form of questions:

- Why is the license number and brief description of the vehicle not enough to have action taken on out of town drivers?

- Why is the dispatcher determining what action will be taken by the police service?

- After several incidents with out of town drivers, who has made the decision not to enforce minor traffic violations against those drivers, is it the Police Commission or the Chief of Police?

- Were these violators charged or were the reports just filed away?

The Chief of Police and a senior officer met with Mr. B and provided a full explanation on each of the points raised. The documents were not delivered to the court on time due to a clerical error. Corrective action was taken and policy was changed to ensure proper procedures would be followed.

I was pleased to see the matter was resolved informally.

Case Summaries

■ Mr. B's complaint concerned the negative attitude and lack of professionalism displayed by a police officer towards him throughout the course of an investigation into a dangerous dog complaint. Mr. B was the owner of the dangerous dog and was charged with two offences in relation to the activities of the animal. Mr. B contended the police officer misled him to believe that if the animal was voluntarily destroyed he would not be charged. Subsequently, Mr. B stated he was charged and that the officer inappropriately served him court documents at his place of work, while displaying a negative attitude towards him. Mr. B stated that the officer displayed a lack of professionalism during his court appearance when the officer interrupted his conversation with the prosecutor, grabbed a document from his hands, made derogatory remarks, and threatened him with civil action.

The investigation found there was a history of animosity between the police officer and Mr. B stemming from previous complaints about the dog. It was determined that the voluntary destruction of the dog was part of a larger conversation and was only one of several options discussed. A police officer is entitled to conduct their daily work assignments in a timely manner and approaching Mr. B at work was not inappropriate given the circumstances. The police officer stated that Mr. B was rude and displayed a negative attitude and in order to avoid a confrontation, served the summons, provided an explanation and left.

The police officer admitted to being annoyed with Mr. B during the court appearance. Independent witnesses confirmed that the police officer was upset and raised his voice. The witnesses also stated that Mr. B was rude and raised his voice when dealing with the officer.

Regardless of the amount of provocation felt by a police officer, it is incumbent upon police officers to respond in a professional manner in difficult and trying situations. Pursuant to *The Municipal Police Discipline Regulations, 1991*, the Chief took internal action against the officer for being discourteous to a member of the public.

I agreed with the action taken by the Police Chief.

■ Ms. W alleged that following her arrest on outstanding warrants she was subjected to excessive use of force while being searched in a detention area. She alleged that her pregnant condition made the conduct of the officers unacceptable.

Investigation revealed that the complainant assumed she would be released for court and was angered when told she would be held in custody. Ms. W refused the requests to remove articles of clothing and refused to remove her footwear. The police officers tried repeatedly to explain to Ms. W the justification for taking the items of clothing and that this was standard police procedure. She was also repeatedly warned that she would leave the police no choice but to take physical action if she continued to refuse. Ms. W failed to comply despite the warnings. In the course of the ensuing struggle Ms. W tried to kick the officers and actually punched one. Ms. W was subdued and placed in a cell. The police stressed that they observed Ms. W to be obviously pregnant and were careful in the force used.

The matter was reviewed by Saskatchewan Justice. The actions of the police officers were appropriate and the amount of force used was justified given the circumstances. It was concluded that there was no basis for charges against the police officers involved.

I concluded there was no improper conduct by the officers in terms of *The Municipal Police Discipline Regulations, 1991*.

Allocation of Budget 2002-2003

The following figures show the approved budget for the 2002-2003 fiscal year.

	2002-2003
Approved Budget	**$167,000**
Salaries, Honorariums, Per Diems	$119,064
Operating Expenses	29,348
	$148,412